

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN J. PENTZ,

Plaintiff,

v.

ALM,

Defendant.

FILED
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JULY 20 2005
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U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 05-10207 (JLT)

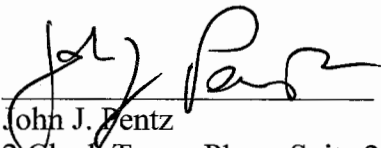
**PLAINTIFF'S MOTION TO FILE SUPPLEMENTAL MATERIAL
IN SUPPORT OF OPPOSITION TO MOTION TO DISMISS**

Plaintiff moves for leave to file the attached memorandum in further support of his Opposition to Defendant's Motion to Dismiss. The attached material bears directly on the central issue presented by the Motion to Dismiss – whether the subject article is capable of a defamatory meaning.

In the attached "Lead Plaintiff's Response to Objections" filed in a federal securities class action against Charter Communications, Inc. pending in the United States District Court for the Eastern District of Missouri, class counsel in that action cite to the American Lawyer article about the Plaintiff at pages 5 and 28 of the Response, in an effort to prejudice the court against Plaintiff, who represents an objector to a proposed settlement of that action. Clearly, class counsel in Charter did not cite to the article because they believe that it portrays Plaintiff as a "skillful impeder of collusive settlements," or as a modern-day Wyatt Earp. It is obvious from the context in which the article is cited that class counsel, Pomerantz Haudek Block Grossman & Gross LLP ("Pomerantz"), consider the article to be defamatory and damaging to Plaintiff. They further clearly intend for their citation of the article to hamper Pentz' representation of his client in the Charter litigation.

Pomerantz is a reader of the American Lawyer. Whether Pomerantz is typical of the average American Lawyer reader or not is a factual matter for resolution at trial. However, the fact that at least one reader of the American Lawyer considers the article about the Plaintiff to be so defamatory that they would bring it to the attention of a court certainly disproves the central argument of Defendant's Motion to Dismiss – that the article is incapable of a defamatory meaning.

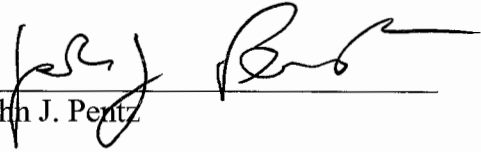
John J. Pentz, *pro se*



John J. Pentz
2 Clock Tower Place, Suite 260G
Maynard, MA 01754
Ph: (978) 461-1548
Fax: (707) 276-2925

Rule 7.1(2) Certification

I hereby certify that I conferred with counsel for Defendant in an effort to narrow or resolve the issues presented by this motion in good faith on May 18, 2005, in compliance with Local Rule 7.1(2).


John J. Pentz